

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 3:15-CR-0006 WHA
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER OF DETENTION
	)	
v.	)	
	)	
DARELL POWELL,	)	
	)	
Defendant.	)	

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Defendant Darell Powell has been charged in an indictment with two counts of distribution of heroin within 1,000 feet of a school, in violation of 21 U.S.C. §§ 841(a)(1) and 860. The defendant made an initial appearance on February 6, 2015, and on February 11, 2015, the matter came before the Court for a detention hearing. The defendant was present and represented by Candis Mitchell, Assistant Federal Defender.

Pretrial Services submitted a report that recommended detention, and a representative of Pretrial Services was present at the hearing. The Government moved for detention, and Defendant opposed. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on

the record, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant or will reasonably assure the safety of other persons and the community. Accordingly, the defendant is ordered detained pending trial.

This order supplements the Court's findings and order at the detention hearing and serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). As noted on the record, the Court makes the following findings as a basis for its conclusion that no condition or combination of conditions will reasonably assure the safety of other persons and the community as to defendant Montgomery. Defendant has a criminal record that includes convictions for robbery in 2009, mayhem in 2009, and grand theft from a person in 2013. The nature of these convictions demonstrates a potential danger to the community. The defendant has at least one failure to appear at court proceedings, and has not complied with the requirements of his current court-ordered probation. The defendant has repeatedly committed criminal offenses while on probation or parole for prior crimes. These facts demonstrate that no conditions or combination of conditions will reasonably assure defendant's appearance at further proceedings in this case.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. Defendant Darell Powell be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
2. Defendant be afforded reasonable opportunity for private consultation with counsel; and
3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver defendant to an authorized United States marshal for the purpose of any appearance in connection with a court proceeding.

IT SO ORDERED.

DATED: 2/13/15

HON. JUDGE JOSEPH C. SPERO  
United States Chief Magistrate Judge

